

REMARKS

This is in response to the Office Action mailed June 9, 2010. Claims 1 through 23 have been previously cancelled. Claims 24 through 31 are pending. Applicants respectfully request withdrawal of the outstanding rejections and allowance of the claims.

Interview Record

The courtesy of Examiner Mancho in granting the undersigned attorney a personal telephone interview on September 17, 2010 is gratefully acknowledged. During the interview, the pending claims were discussed in view of the Sawamoto et al. reference. No agreement was reached.

Response to Rejection of Claims 24 – 31 under 35 U.S.C. §102(b)

In the outstanding Office Action, Claims 24 through 31 were rejected under 35 U.S.C. §102(b) as being anticipated by Sawamoto et al. (EP 0890470 A2).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the Applicants' claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claim 24 is drawn to a method of sensing targets from a host vehicle. The method includes capturing images in the host vehicle and detecting lane boundaries in the captured images, estimating a projected path for the host vehicle, and detecting, on the host vehicle, the position and distance from the host vehicle of a target vehicle located on the road ahead of the host vehicle. A target lane in which the host vehicle will be located when it has travelled along the projected path is determined by the distance from the host vehicle to the target vehicle. The position of the target vehicle is then compared with the

position of the target lane to provide a processed estimate of the actual position of the target vehicle.

The claimed invention is not shown or suggested in the art of record. Specifically, the Sawamoto et al. reference discloses a lane change detector that detects whether a lane change is *currently occurring or which is about to occur*. The detector then further determines the lane into which the host vehicle is moving if a lane change occurs (see Sawamoto et al. at col. 6, lines 5 to 14).

Significantly, the Sawamoto et al. reference does not show or suggest determining a target lane in which the host vehicle will be located when it [the host vehicle] has travelled along the projected path by the distance from the host vehicle to the target vehicle, as required in Claim 24. As disclosed in the Sawamoto et al. reference, the target lane is either the current lane (if no lane change is currently occurring) or the lane immediately to one side or the other (if a lane change is currently occurring). The Sawamoto et al. reference merely, and generically, predicts a target lane. Contrary to the Examiner's assertion, the sections of the Sawamoto et al. reference beginning at column 7, line 39, and at column 9, line 48, include no discussion of a point which is along the predicted path by the distance from the host vehicle to the target vehicle. Accordingly, the Sawamoto et al. reference does not determine the target lane to be the lane in which the host vehicle will be located when the host vehicle has travelled along the predicted path by the distance from the host vehicle to the target vehicle.

Additionally, the Sawamoto et al. reference does not show or suggest comparing the position of the target vehicle with the position of the target lane to provide a processed estimate of the actual position of the target vehicle, as also required in Claim 24. Even if the Sawamoto et al. reference were to disclose comparing the position of its target lane with the position of the target vehicle, it cannot carry out the comparison claimed because the target lane disclosed in the Sawamoto et al. reference is not the target lane in which the vehicle will be when it has travelled the distance from the host vehicle to the target vehicle, as required in Claim 24.

Thus, the Sawamoto et al. reference does not show or suggest a method of sensing targets from a host vehicle including (1) determining a target lane in which the host vehicle will be located when it has travelled along the projected path by the distance from the host vehicle to the target vehicle, and (2) comparing the position of the target vehicle with the position of the target lane to provide a processed estimate of the actual position of the target vehicle, as required in Claim 24. For at least this reason, Claim 24 is patentable. Because Claim 24 is patentable, for at least this reason, the claims which depend from Claim 24 are also patentable.

In view of the above, Applicants believe that this application is now in condition for allowance and therefore request favorable consideration.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Gregory W. Robinette/
Gregory W. Robinette
Reg. No. 56,117

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fifth Floor
720 Water Street
Toledo, Ohio 43604
(419) 255-5900